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Protracted conflicts in the GUAM area and their implications for international peace, security and development

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Sixty-fifth year

Identical letters dated 29 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I would like to request your kind assistance in ensuring the circulation of the present letter, transmitting statements by the Ministry of Foreign Affairs of Georgia regarding the so-called agreements between the Russian Federation and the proxy regime of Abkhazia in the field of energy and the denial of access to the World Food Programme into the occupied territory of Georgia (see annexes I and II), and its annexes, as a document of the sixty-fourth session of the General Assembly, under agenda item 14, and of the Security Council.

(*Signed*) Shalva **Tsiskarashvili**
Chargé d'affaires a.i.

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Annex I to the identical letters dated 29 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

An agreement between the Russian company "Rosneft" and the Abkhazian "state company" "Abkhaztop", together with an agreement between the Ministry of the Economy of the proxy regime and the company "RN-Abkhazia", was signed on 24 December 2009. Pursuant to the above-mentioned agreements, the Russian Federation was granted the right to start research works over the Black Sea continental shelf at the Gudauta segment, Georgia.

It should be emphasized that the Russian Federation's decision to conduct research and exploration works over the territorial waters of Georgia, with the aim of exploiting and developing oil and gas reserves, represents a clear and gross violation of the norms of international law as well as Georgian legislation, in particular the Law on Occupied Territories of Georgia and the Oil and Gas Law of Georgia.

Under the 1982 United Nations Convention on the Law of the Sea, Georgia, as a coastal State, exercises sovereign rights and special jurisdiction for the purpose of carrying out economic activity, research works and exploitation of natural resources over the continental shelf and the exclusive economic zone. These rights are exclusive in the sense that, if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State.

The Law on Occupied Territories of Georgia imposes restrictions on entrepreneurial activity on the occupied territories, including in the sea areas. Besides, the Code of Administrative Offences as well as the Criminal Code of Georgia provides for liability for the violation of national laws both on the continental shelf and in the exclusive economic zone.

In contrast to the exclusive economic zone and the continental shelf over which Georgia exercises sovereign rights only for the purpose of their economic development, it should be emphasized that the territorial sea and internal waters make up the maritime area of Georgia, over which Georgia exercises its full sovereignty. The only right that countries other than the coastal State may exercise within the territorial sea of the latter is that of innocent passage.

Moreover, the Oil and Gas Law of Georgia states that oil and gas resources in the subsoil of the territory of Georgia are State property and that Georgia has an exclusive and sovereign right to explore and exploit oil and gas resources on the Georgian onshore and continental shelf. The Oil and Gas Law of Georgia determines the detailed procedures on how to issue a licence for usage of oil and gas resources, which are regulated by a specialized agency, on the basis of tender.

The latest actions of the Russian Federation have once again demonstrated that since the aggression committed by the Russian Federation in August 2008 and subsequent occupation of Georgia's territories, Russian occupation forces exercise effective control over Abkhazia, Georgia, and the Tskhinvali region, Georgia.

Throughout this period, the Russian Federation remains in grave violation of the fundamental principles and norms of international law, as well as of its multilateral and bilateral obligations, and practically every provision of the ceasefire agreement signed on 12 August 2008, among others.

Considering the latest actions of the Russian Federation as a continuance of the annexation, the Ministry of Foreign Affairs of Georgia expresses its strong protest and states that the Georgian side will use all legal means in order to protect the sovereign rights of Georgia and ensure the cessation of the pirate activities of the Russian side.

25 December 2009

Annex II to the identical letters dated 29 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement by the Ministry of Foreign Affairs of Georgia on the denial of access to the World Food Programme into Perevi

On 28 December 2009, the Russian side once again grossly violated the 12 August 2008 ceasefire agreement stipulating that international humanitarian activity must be carried out without restriction on the occupied territories of Georgia. In particular, representatives of the Russian Federal Security Service barred a lorry of the World Food Programme from entering the village of Perevi, Sachkhere district, to provide the local population of about 1,000 with basic food supplies (oil, flour, butter, etc.).

Despite repeated attempts by United Nations representatives, they could not gain access to the occupied territories. Hence, the aforesaid humanitarian aid could be supplied only throughout the territory controlled by the Georgian side. This fact indicates clearly that Moscow still adheres to its tendency of politicizing humanitarian issues, in particular by demanding that the international organizations accredited in Georgia appeal to the Kremlin-controlled Tskhinvali proxy regime for permits to access the occupied territories.

The Georgian side expresses its deep concern as such actions pose a direct threat to the lawful interests of the members of the population residing on the occupied territories and grossly violate their fundamental human rights.

Against the background of the fact that these and other, analogous acts have already been persistently carried out for a long time, Georgia and the international community become increasingly convinced that the Russian Federation is not in a position to act within the legal framework and is an absolutely unreliable partner.

29 December 2009